

QUEENSLAND
Prostitution Act 1999
Part 3 Section 44 (4)(d)(ii)



Prostitution Licensing Authority

ANNUAL RETURN CERTIFICATE

Contains

1. Brief to Applicants
2. Instructions for completion
3. Authority for Release of Information
4. Sections A to D - Annual Return Certificate
5. Declaration
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Please read instructions carefully before completing all forms and lodging with:

The Office of the
Prostitution Licensing Authority
GPO Box 3196
Brisbane Qld 4001

Applicant Surname _____

IMPORTANT

WARNING ABOUT FALSE OR MISLEADING INFORMATION **OR INCOMPLETE DISCLOSURE**

Applicants and other persons completing this form should be aware that action may be taken should information or documents be supplied that are false, misleading or incomplete.

Further, a certificate is automatically cancelled if the manager is convicted of an offence of giving false or misleading information or documents to the Prostitution Licensing Authority.

Staff are available, by appointment, to provide information about making an application. You may contact the Office of the PLA between 9.00am and 5.00pm Monday to Friday on telephone (07) 3858 9500

Applicant Surname _____

INSTRUCTIONS FOR COMPLETION

The questions asked relate to the last year only.

1. Type or print in BLOCK LETTERS and answer EVERY question.
2. Please use a BLACK or BLUE ballpoint pen when completing forms.
3. Corrections are to be struck out with a line and initialled. Correction fluid is not acceptable.
4. If a question does not apply state 'N/A' (not applicable) in the box.
5. If there is nothing to disclose in reply to a particular question state 'NIL'.
6. If there is insufficient space to answer a question, additional information may be provided by attachment. When using an attachment page begin each answer with the title and question number being answered.
7. Each attached page should be signed and dated by the applicant.
8. All dates should be completed in the form: DD/MM/YYYY for example 01/01/1950
9. This application is to be completed in the English language. Any documents not in English are required to have a certified English translation attached.
10. Documents or other information sought from authorities in Australia may not be applicable to an individual currently or previously residing in another country. In such cases the documents or information should be obtained from the equivalent authority of that country.
11. Please enclose all relevant fees with the Annual Return Certificate. Any application form received **without** the correct fees will be **returned** to sender.
12. Relevant enquiries should be directed to:
The Office of the Prostitution Licensing Authority on telephone (07) 3858 9500.
(For calls made outside Australia the number is 61 7 3858 9500).

Applicant Surname _____

AUTHORITY FOR RELEASE OF INFORMATION

I,
Full name of the applicant

of
Address of applicant

grant an Authority on the following terms:

1. I acknowledge that, for the purpose of determining my suitability to hold an approved manager's certificate, I authorise the Office of the Prostitution Licensing Authority and/or Queensland Police Service, to conduct any inquiries considered appropriate by the Office of the Prostitution Licensing Authority and/or Queensland Police Service under the *Prostitution Act 1999* (the Act).
2. I authorise the Office of the Prostitution Licensing Authority and/or Commissioner and any person conducting any investigations or inquiries on behalf of the Office of the Prostitution Licensing Authority and/or Commissioner for the purposes of the Act to obtain any information and make any investigations or inquiries which relate to me and may be relevant to any of the purposes of the Act, in any jurisdiction.
3. I authorise the manager or other authorised officer of any branch or office of a bank or financial institution in any jurisdiction to whom a copy of this Authority is presented to inspect and obtain copies of, or to release to any official, any record, document or other information of any kind, in written, electronic or any other form, which relates to me and is held by the bank or financial institution.
4. I authorise any officer of any police service, law enforcement agency or regulatory body in any jurisdiction to whom a copy of this Authority is presented to release to any official any information or official record of any kind, in written, electronic or any other form, which relates to me and is held by the police service, agency or body, including any information relating to my personal and criminal history.
5. I will at all times sufficiently indemnify those persons referred to in 3 and 4 above and keep those persons referred to in 3 and 4 above indemnified against all liability in respect of the supply or publication of the information and against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken against those persons referred to in 3 and 4 above or incurred or become payable by the persons in respect thereof.
6. To make arrangements for the Office of the Prostitution Licensing Authority to obtain information directly from a person who is or may be an associate.

.....
Signature of applicant

..... / /
Date

Applicant Surname _____

ANNUAL RETURN CERTIFICATE

Please use **BLOCK LETTERS**
Please place an "X" in the boxes where
appropriate, to show your answers

**All questions relate only to the last
12 months**

Section A – Managers identification details

1. Your surname

Given name(s) (First and any second names)

Title (Mr/Ms/Mrs/Miss/Dr/Other)

2. Have you ever been known by any other name?
This includes any maiden name, former married
name or any name you have previously used,
whether your name has been changed or not.

No Go to the next question

Yes Please specify below what
other name(s) you have been
known by:

3. Date of birth

Gender (circle)

 / /

Male / Female / Other

4. Current residential address
(PO Box not acceptable)

Postcode

Daytime contact number

After hours number

 () ()

Mobile phone number

 ()

E-mail address (if applicable)

Current postal address. The PLA will send all
correspondence to this address.

Postcode

5. What are the names of the brothels you currently
manage? (Additional information to be provided
by attachment.)

1

2

3

4

6. Are you the holder of a current driver's licence?

No Go to the next question

Yes Please provide a certified
photocopy by attachment of the
front and back of the licence

7. Have you applied for or been issued with a
Liquor Licence or permit or certificate under the
Liquor Act 1992?

No Go to the next question

Yes Please specify details and
attach a certified copy of your
licence or permit or certificate.

Section B – Offences and Debt Recovery

8. Have you in Australia or elsewhere ever been
the subject of debt recovery action?

No Go to the next question

Yes Please specify details by
attachment

Applicant Surname _____

9. Have you, in Australia or elsewhere, been charged or convicted of a criminal offence whether or not a conviction was recorded?
- No Go to the next question
- Yes Please specify details (date, type of offence, State / Territory) by attachment
10. Have you in Australia or elsewhere, ever been the subject of a Domestic Violence Order?
- No Go to the next question
- Yes Please specify details by attachment
11. Have you in Australia or elsewhere been the subject of a disqualified, cancelled or suspended driver's licence?
- No Go to the next question
- Yes Please specify details by attachment

Section C – Company/Business

12. Do you or a company which you are associated with, have an interest in any private company?
- No Go to question 15
- Yes Please specify details by attachment
- If you answered **Yes** please provide a brief history of every company.
13. What business does the company operate?
- Please provide details of its operation, where it operates from and a copy of its last balance sheet.
14. Do you or any companies referred to in question 12), either directly or indirectly, have an interest financial or otherwise, in which you are employed?
- No Go to the next question
- Yes Please specify details by attachment

15. Do you currently have an interest in any licensed brothel in Australia, other than to which this application refers? (Interest in a brothel is explained in the definitions, excluding wages as a manager)?
- No Go to the next question
- Yes Please specify details of the licensee and premises by attachment
16. Do you either directly or indirectly receive income from the provision of prostitution at a licensed brothel, in Australia, other than to which this application refers (excluding wages as a manager)?
- No Go to the next question
- Yes Please specify details by attachment
17. Have you ever been associated with a premises that has been declared a prohibited brothel, either as an occupier or owner?
- No Go to the next question
- Yes Please indicate which one and provide details by attachment

Section D – Family information

18. Has your marital status changed?
- No Go to the next question
- Yes Please specify in what manner

Marital status:

- Single Go to the next question
- Divorced/widowed Go to the next question
- Married Specify below
- De facto/partner Specify below

Date of marital status change (if applicable)

Place of marriage (if applicable)

Surname of spouse/de facto/partner

Given name(s) of spouse/de facto/partner

Other name(s) or alias of spouse/de facto/partner

Maiden name of spouse/de facto (if applicable)

Date of birth

Gender (circle)

- 19.** List all brothers and sisters including step brothers and sisters and foster siblings that has turned 18 years since your previous application. Show relationship of each. (Additional information to be provided by attachment.)

Relationship to you

Surname

Given name(s)

Other name(s) or alias

Date of birth

Gender (circle)

- 20.** Children: List all children (18 years or older) including step, adopted and any other person for whom you were/are a foster parent or guardian. (Additional information to be provided by attachment.)

Surname

Given name(s)

Other name(s) or alias

Date of birth

Gender (circle)

DECLARATION

I declare that:

- The statements made in this annual return, as well as any attachments, are true and correct;

Signature

Name:

Date:

Please note:

Sec. 97 of the Prostitution Act - False or misleading statements

A person must not, in connection with this Act, state anything to the Authority that the person knows is false or misleading in a material particular.

Maximum penalty—100 penalty units.

Sec. 98 of the Prostitution Act - False or misleading documents

A person must not, in connection with this Act, give to the Authority a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—100 penalty units.

Definitions used in association with the *Prostitution Act 1999*

Useful Definitions

The following definitions are provided for your reference only. Full definitions are available under the Act.

"associate" means any person who-

- (a) is a member of the individual's family; or
- (b) has entered into a business arrangement or relationship with the individual for the provision of prostitution; or
- (c) is the owner or lessor, either alone or jointly, of premises used or proposed to be used for the provision of prostitution under licence; and
- (d) includes an **"associate"** of a body corporate if the person is an executive officer of the body corporate.

"brothel" means premises made available for prostitution by 2 or more prostitutes at the premises.

"corporation" includes a body corporate or politic.

"corresponding law" means a law of another State corresponding to this Act.

"development permit" means a development permit granted under the *Planning Act 2016*.

"disqualifying offence"

- money laundering under section 250 of the *Criminal Proceeds Confiscation Act 2002*
- trafficking in dangerous drugs under section 5 of the *Drugs Misuse Act 1986*
- the Criminal Code offences of Official corruption; official corruption not judicial but relating to offences; unlawful homicide; attempt to murder; rape; attempt to commit rape; kidnapping; kidnapping for ransom; demanding property; benefit or performance of services with threats; an offence against morality in chapter 22 if the offence relates to a child or

intellectually impaired person; or a prostitution offence in chapter 22A if the offence relates to a child or intellectually impaired person.

- Migration offences under Schedule 2 of the *Migration Act 1958 (C'wlth)*.

"exempt prostitution service provider" section 23 of the *Sex Work Act 1994 (VIC)* provides that certain persons who carry on a prostitution service providing business are exempt from the requirement to be licensed.

"family" of an individual, consists of the following members-

- (a) the individual's spouse;
- (b) each of the individual's children who is 18 years or more, including a stepchild, an adopted child and a person for whom the individual was foster-parent or guardian when the person was a child;
- (c) each of the individual's parents, including a step-parent, and a person who was a foster-parent or guardian for the individual when the individual was a child;
- (d) each of the individual's siblings who is 18 years or more, including a step-sibling and a person who was a foster-sibling when the individual was a child.

"indictable offence" Crimes and misdemeanours are indictable offences. An indictable offence is a more serious offence that is usually decided in the District or Supreme Court. Examples include murder, rape, robbery, assault and break and enter.

"interest in a brothel" a person has an "interest in a brothel" if the person-

- (a) is the licensee of the brothel; or

- (b) is a member of the family of the licensee of the brothel; or
- (c) is an approved manager of the brothel; or
- (d) is a member of the family of an approved manager of the brothel; or
- (e) is the owner, either alone or jointly, of premises used by the licensee of the brothel for the provision of prostitution; or
- (f) is a member of the family of an owner mentioned in paragraph (e); or
- (g) is the lessor of the premises used by the licensee of the brothel for the provision of prostitution; or
- (h) is a member of the family of a lessor mentioned in paragraph (g); or
- (i) has entered into a business arrangement or relationship with another person for the provision of prostitution at the brothel; or
- (j) directly receives income from the provision of prostitution at the brothel; or
- (k) is able to exercise a significant influence over the operations of, or in relation to the provision of prostitution at, the brothel; or
- (l) is an executive officer of a body corporate that is a person mentioned in paragraphs (e), (g), (i), (j) or (k)
- (m) for (1)(i), (j) and (k), a prostitute does not have an interest in a brothel merely because the prostitute is entitled by way of remuneration to a proportion of the payments made for the provision of prostitution by the prostitute at the brothel.
- (n) If a financial institution is a mortgagee of premises used by the licensee of a brothel for the provision of prostitution, the institution does not have an **"interest in a brothel"** only because the institution is a mortgagee of the premises.

"minor" a person under the age of 18

"operate" a brothel means to carry on the business of providing prostitution at the brothel.

"partnership" is the -

- state or condition of being a partner; participation; association; joint interest.
- relation subsisting between partners.

"prostitution"

(1) a person engages in "prostitution" if the person engages, or offers to engage, in the provision to another person, under an arrangement of a commercial character, of any of the following activities -

- (a) sexual intercourse;
- (b) masturbation;
- (c) oral sex;
- (d) any activity, other than sexual intercourse, masturbation or oral sex, that involves the use of 1 person by another for his or her sexual satisfaction involving physical contact.

(2) However, a person does not engage in prostitution if –

- (a) the activity is an activity mentioned in subsection (1)(d); and
- (b) the person is providing adult entertainment under an adult entertainment permit and is an adult and is not an intellectually impaired person; and
- (c) the activity is authorised under the permit.

(3) Subsection (1) applies equally to males and females.

"trustee" a person -

- (a) or one of a body of person's, appointed to administer the affairs of a company, institution etc.
- (b) who holds the title to property for the benefit of another.

Disclaimer - This document is intended to be a guide only and it is not intended to take the place of either the written law or regulations. It is only intended to be a general summary of information to you. As such, no responsibility is accepted for any loss or damage arising from action taken in reliance on the contents of this document. Any person contemplating action pursuant to the Act should first obtain a thorough knowledge of all aspects of the Act. It is strongly recommended that independent legal advice should be sought before taking any action.